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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,602	08/30/2001	Zhan Cui	36-1463	7933
23117	7590	06/01/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			CHANG, SUNRAY	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,602

Applicant(s)

CUI ET AL.

Examiner

Sunray Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in responsive to the paper filed on March 28th, 2005.
2. Claims 1 – 18 are presented for examination.

Claims 1 – 18 are rejected.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 10 is rejected under 35 U.S.C. 112, second paragraph**, as failing to set forth the subject matter which applicant(s) regard as their invention.

4. As to claim 10, there is insufficient antecedent basis for this limitation in the claim. For example, applicants recite the limitation “said system” [line 2] are not clearly pointed to “data visualization system”, or “remote process management computer system”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by

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another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1 – 9 are rejected** under 35 U.S.C. 102(e) as being anticipated by Kenneth W. Kisiel (U.S. Patent No. 6,327,586, and referred to as Kisiel hereinafter).

6. **Regarding independent claims 1 and 7**, Kisiel teaches,

- Data visualization system [automated system] for use in storing [collecting data] and visualizing data [visualizing data] generated during use of one or more process management systems in managing process [variety of source]. [Col. 3, Lines 30 – 34]
- A request input for receiving a data visualization service request from a process management system. [Col. 4, Lines 10 – 12]
- A data input for receiving data inputs [extract] from the process management system research project]. [Col. 4, Lines 25 – 37]
- A service definitions store for storing [saved] a set of data visualization service definitions. [Col. 4, Lines 33 – 37]
- Data visualization service definitions define service requirements related to [extract relevant] a set of data visualization service identifiers. [Col. 4, Lines 25 – 27]
- Data visualization service definitions include identification of data input [specify items of interest] required for provision of data visualization services in each data visualization service identifiers [Personal Dictionary]. [Col. 8, Lines 13 – 18]

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- Data visualization service request processing means for accessing [extract relevant] a service identifier in a received data visualization service request. [Col. 4, Lines 25 – 27]
- Service identifier processing means for selecting [extract relevant] a service definition from the service definition store [recorded] in accordance with an accessed service identifier. [Col. 4, Lines 25 – 28]
- A data input store for storing data inputs [requirements] from the process management system required for provision of a data visualization service associated with an accessed data visualization service identifier. [Col. 4, Lines 25 – 28]
- Means to associate [directs] data inputs received [information] from a process management system with the system. [Col. 4, Lines 25 – 28]
- Means to review [filters] the contents of data input store for entries [information] in respect of that process management system. [Col. 4, Lines 25 – 28]

7. **Regarding dependent claim 2**, Kisiel teaches,

- A visualization tool store stores a set of visualization tools [several valuable tools]. [Col. 5, Lines 28 – 33]

8. **Regarding dependent claim 3**, Kisiel teaches,

- One of the service definitions defines a data storage device [Personal Dictionary] in which data inputs of one or more types are stored in the data input store [Personal Dictionary]. [Col. 8, Lines 13 – 18]

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9. **Regarding dependent claim 4**, Kisiel teaches,

- Mapping [compared, related] data inputs [information] identified by a first service [requirement phase] definition to data inputs [requirements] already stored in accordance with a second service definition [analysis phase]. [Col. 4, Lines 63 – 66]

10. **Regarding dependent claim 5**, Kisiel teaches,

- A visualization tool input for loading visualization tools [provides tools] to the visualization tool store, the store being provided with an index [category] of tools currently loaded. [Col. 13, Lines 24 – 31, and Fig. 33, 34]

11. **Regarding dependent claim 6**, Kisiel teaches,

- A data analysis [filter out relevant data] means. [Col. 4, Line 63]

12. **Regarding dependent claim 8**, Kisiel teaches,

- First service definition defines a data storage service [Personal Dictionary] and a second stored service definition identifies data inputs [items of interest] stored in accordance with the data storage service. [Col. 8, Lines 13 – 23]

13. **Regarding dependent claim 9**, Kisiel teaches,

- Loading one or more service definitions [relevant information] to the service definition store, subsequent to receiving data inputs [extract] from the process management system, [Col. 4, Lines 25 – 28]

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- Subsequently loaded service definitions identifying [defined item of interest] at least one of said data inputs previously received. [Col. 8, Lines 38 – 40]

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. **Claims 10 – 18 are rejected** under 35 U.S.C. 102(e) as being anticipated by Peter A. Sharples (U.S. Patent No. 6,240,450, and referred to as **Sharples** hereinafter).

15. **Regarding independent claim 10, Sharples teaches,**

- a data visualization system for use in storing and visualizing data generated during use of a remote process management computer system;
- a visualization service definitions store storing a set of data visualization service definitions, each definition comprising a data visualization service identifier and data input required for provision of said visualization service;

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- a visualization service request input for receiving a data visualization service requests required from said remote process management computer system;
- a data input for receiving data from the remote process management computer system;
- a visualization service request processor which accesses a visualization service identifier in a received data visualization service request;
- a service identifier processor which selects a service definition from the remote process management computer system required for provision of the data visualization service associated with said visualization service identifier.

16. Regarding independent claim 11,

The rejection of independent claim 11 is based on the rejections of the independent claim 10 with one further limitation:

- one or more remote process management computer systems. [account numbers, Col. 3, Lines 11 – 14, and several, Col. 4, Lines 14 – 21]

Examiner further explains, the term, “one or more”, broadly includes “one” or “more than one” conditions.

17. Regarding independent claim 12,

The rejection of independent claim 12 is based on the rejections of independent claim 11 with one further limitation:

- a communication link between said process management computer system and said data visualization system. [a communication network, Col. 1, Line 54]

18. **Regarding dependent claim 13,**

- a visualization tool store for storing a set of visualization tools. [Col. 1, Lines 59 – 67, and Col. 3, Lines 41 – 51]

19. **Regarding dependent claim 14,**

- at least one of the service definitions defines a data storage service in which data inputs of one or more types are stored in the data input store. [Col. 1, Lines 59 – 67, and Col. 3, Lines 41 – 51]

20. **Regarding dependent claim 15,**

- said data visualization system maps data inputs identified by a first definition to data inputs already stored in accordance with a second service definition. [Col. 5, Lines 8 – 15]

Examiner further explains, service definitions changed but data inputs would be the same.

21. **Regarding dependent claim 16,**

- a visualization tool input for loading visualization tools to the visualization tool store [Col. 1, Lines 59 – 65 and Col. 3, Lines 41 – 51], said store being provided with an index of tools currently loaded. [Fig. 4 & 5]

22. **Regarding dependent claim 17,**

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- means to associate data inputs received from a process management system with the process management system which generated the data, together with means to review the contents of the data input store for entries in respect of that process management system. [authentication, Col. 2, Lines 50 – 67]

23. **Regarding dependent claim 18,**

- which system also comprises a data analysis means. [examine, Col. 2, Lines 25 – 28, see also Col. 2, Lines 14 – 30]

Response to Amendment

Claim Rejections - 35 USC § 102

24. Applicants' argument regarding "there is no mention in **Kisiel** of any other process management systems" (Page 13 – 14) is true. Yet, the limitation, "other", has not been cited in claims, will not be considered in examining. Further, applicants cited "one or more process management systems in managing processes" in independent claim 1, the term, "one or more", broadly includes "one" or "more than one" conditions. **Kisiel** discloses one process management system [Col. 3, Lines 29 – 34]

The rejections have been retained.

Assuming that applicants' assumption is correct, the two inventions are different, does not render the 35 USC §102 rejection to be in error. Under 35 USC §102, all that is required is for the reference to disclose the same limitation as applicant claims, and this, applicants agree

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with. Applicants argue features disclosed in the specification and not set forth in the claims.

Features from the specification are not read into the claims and therefore, the rejection is maintained.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

May 18, 2005



Anthony Knight
Supervisory Patent Examiner
Group 3800